


ESTTA Tracking number: **ESTTA737419**

Filing date: **04/01/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91215657 |
| Party | Plaintiff Goya Foods, Inc. |
| Correspondence Address | STEPHEN L BAKER BAKER AND RANNELLS PA 92 E MAIN ST, SUITE 302 SOMERVILLE, NJ 08876 UNITED STATES officeac- tions@br-tmlaw.com,s.baker@br-tmlaw.com,k.hnasko@br-tmlaw.com,s.cesaro @br-tmlaw.com |
| Submission | Motion to Extend |
| Filer's Name | John M. Rannells |
| Filer's e-mail | jmr@br-tmlaw.com |
| Signature | /John M. Rannells/ |
| Date | 04/01/2016 |
| Attachments | Motion to Extend 4-1-16.pdf(101906 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|----------------------------|---|--|
| GOYA FOODS, INC. | : | Opposition No.: 91215657 |
| | : | |
| Opposer, | : | |
| v. | : | |
| | : |  |
| | : | Mark: |
| | : | Ser. No.: 86060111 |
| GOYOGO FROZEN YOGURT, LLC, | : | Mark: GOYOGO FROZEN YOGURT OUR |
| | : | INGREDIENTS YOUR CREATION |
| Applicant. | : | Ser. No.: 86037364 |
| | : | |

MOTION FOR EXTENSION OF TESTIMONY DATES

Opposer, Goya Foods, Inc. (“Goya”), by its undersigned counsel, hereby moves the Trademark Trial and Appeal Board for an extension of trial dates in the above captioned proceeding.

The close of Opposer’s trial period is currently set to close today, April 1, 2016. Goya requests that such date be extended 45 days to and including May 16, 2016, and that all subsequent dates be reset accordingly.

The extension is necessary in order to provide time for Goya to take the testimony of its witness, Joseph Perez. Mr. Perez’s testimony was noticed for March 28, 2016, however the undersigned was ill with the flu and heart issues and had to adjourn the testimony deposition. The witness is currently not available until after May 2, 2016. Accordingly, extending until the 16th should afford all the ability to schedule the desposition.

The undersigned wrote via email to Applicant’s attorney on March 26 to explain that the deposition would be adjourned; again on the 28th requesting extension; and again today advising

of Mr. Perez's availability after May 2nd. To date, I have not received a response concerning my request for an extension.


This extension is sought in good faith and not for any improper purpose of delay.

The dates, as rescheduled, would be set as follows:

| | |
|--|-----------------|
| Plaintiff's Trial Period Ends: | May 16, 2016 |
| Defendant's Pretrial Disclosures : | May 31, 2016 |
| Defendant's 30-day Trial Period Ends: | July 15, 2016 |
| Plaintiff's Rebuttal Disclosures: | July 30, 2016 |
| Plaintiff's 15-day Rebuttal Period Ends: | August 29, 2016 |

Respectfully submitted,

Dated: April 1, 2016



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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **MOTION FOR EXTENSION OF TESTIMONY DATES**, in re Goya Foods, Inc. v. Goyogo Frozen Yogurt LLC, Opposition No. 91215657, was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 1st day of April, 2016 to the Applicant's attorney at the following address:

Dennis F Gleason
Jardim Meisner & Susser PC
30B Vreeland Rd, Ste 201

Florham Park, NJ 07039

With courtesy copy to dgleason@jmslawyers.com

/John M. Rannells/
John M. Rannells